

IN THE SENATE

SENATE BILL NO. 1116, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO ORGAN DONOR NOTIFICATION; AMENDING SECTION 39-3413, IDAHO CODE, TO DEFINE A TERM, TO REVISE TERMINOLOGY, TO PROVIDE THAT CERTAIN INFORMATION REGARDING DONORS SHALL BE GIVEN TO THE IDAHO STATE COMMUNICATION CENTER AND ORGAN PROCUREMENT ORGANIZATIONS, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE A PROVISION RELATING TO PENALTIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-3413, Idaho Code, be, and the same is hereby amended to read as follows:

39-3413. SEARCH AND NOTIFICATION. (1) For purposes of this section, "first responder" means a law enforcement officer, firefighter, emergency medical services provider, coroner or other emergency rescuer.

(2) The following persons shall make a reasonable search of an individual who the person reasonably believes is dead or near death for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal:

(a) ~~A law enforcement officer, firefighter, paramedic or other emergency rescuer~~ first responder finding the individual; and

(b) If no other source of the information is immediately available, a hospital, as soon as practical after the individual's arrival at the hospital.

(3) Following the determination that an individual is deceased by a person qualified to do so, such person shall, as soon as reasonably possible, notify the Idaho state communication center of the location where the deceased will be or has been transported to and include the deceased individual's name and date of birth if known. The Idaho state communication center shall, as soon as reasonably possible, notify the appropriate organ procurement organization, tissue bank or eye bank.

~~(24)~~ If a document of gift or a refusal to make an anatomical gift is located by the search required by subsection ~~(12)~~ (a) of this section and the individual or deceased individual to whom it relates is taken to a hospital, the person responsible for conducting the search shall send the document of gift or refusal to the hospital.

~~(35)~~ A person is not subject to criminal or civil liability for failing to discharge the duties imposed by this section ~~but may be subject to administrative sanctions.~~